

Adopted	Rejected
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COMMITTEE REPORT

YES:	11
NO:	0

MR. SPEAKER:

*Your Committee on Human Affairs, to which was referred House Bill 1764, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 4-6-2-1.5 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 1.5. (a) Whenever
- 5 any state governmental official or employee, whether elected or
- 6 appointed, is made a party to a suit, and the attorney general determines
- 7 that said suit has arisen out of an act which such official or employee
- 8 in good faith believed to be within the scope of his duties as prescribed
- 9 by statute or duly adopted regulation, the attorney general shall defend
- 10 such person throughout such action.
- 11 (b) Whenever a teacher (as defined in IC 20-6.1-1-8) is made a party
- 12 to a civil suit, and the attorney general determines that the suit has
- 13 arisen out of an act that the teacher in good faith believed was within
- 14 the scope of the teacher's duties in enforcing discipline policies
- 15 developed under IC 20-8.1-5-2(e), the attorney general shall defend the
- 16 teacher throughout the action.

(c) Whenever a health care provider (as defined in IC 16-18-2-163(c)) is made party to a malpractice (as defined in IC 34-18-2-18) suit, and the attorney general determines that:

(1) the malpractice claim relates to medical services provided to an offender, who at the time the claim arose was committed to the department of correction;

(2) the offender was transported to a hospital emergency room for treatment of a traumatic injury or medical emergency; and

(3) the department of correction authorized the offender's transport to the hospital emergency room;

the attorney general shall defend the health care provider throughout such action.

(d) A determination by the attorney general under subsection (a) or (b) shall not be admitted as evidence in the trial of any such civil action for damages.

~~(d)~~ (e) Nothing in this chapter shall be construed to deprive any such person of his right to select counsel of his own choice at his own expense."

Page 2, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 2. [EFFECTIVE JANUARY 1, 2001] **IC 4-6-2-1.5, as amended by this act, applies only to a cause of action that accrues after June 30, 2001.**"

Renumber all SECTIONS consecutively.

(Reference is to HB 1764 as introduced.)

and when so amended that said bill do pass.

Representative Summers